

July 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

FORM TO BE USED BY PRISONERS REQUESTING TO
PROCEED WITHOUT PREPAYMENT OF COSTS
(IN FORMA PAUPERIS)

NAME GARY SWENSON, JR.PRISON NUMBER AO# 37391PLACE OF CONFINEMENT Dawson County Correctional FacilityCRIMINAL CAUSE NUMBER DV-09-107State of Montana
(List all Plaintiffs/Petitioners/Movants)

v.

GARY Carl Swenson, Jr.
(List all Defendants/Respondents).

FILED

JUL 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANAInstructions

1. Use this form if you are filing a legal document in state district court or the Montana Supreme Court and you cannot pay the filing fee. File this form when you file your legal pleading – not before.
2. ATTACH AN OFFICIAL COPY OF YOUR INMATE TRUST ACCOUNT STATEMENT TO THIS FORM.
3. You must tell the truth and sign the form. If you make a false statement of a material fact you may be prosecuted for perjury.
4. If you are allowed to proceed *in forma pauperis*, you may file your legal documents without prepayment of costs. It does not mean you are entitled to free transcripts or the appointment of counsel.

MOTION AND AFFIDAVIT TO PROCEED WITHOUT
PREPAYMENT OF COSTS (IN FORMA PAUPERIS)

1. My name is GARY Carl SWENSON, JR.

I am the (check one) ☐ petitioner/plaintiff
☒ defendant
☐ other (explain) _____

2. In support of my request to proceed without prepayment of costs, I declare that I am unable to pay the costs of these proceedings and that I am entitled to relief in the action to which I am or will be a party.

3. In support of this motion, I answer the following questions under penalty of perjury.

4. Are you currently incarcerated? ☒ Yes ☐ No

5. Are you currently employed? ☒ Yes ☐ No

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer:

DCCF - \$150 per day

b. If no, state the date of your last employment and the amount of salary or wages per month:

6. In the past 12 months, have you received any money from any of the following sources?

- | | |
|---|--|
| a. business, profession or other self-employment | Yes [] No [] |
| b. rent payments, interests or dividends | Yes [] No [] |
| c. pensions, annuities or life insurance payments | Yes [] No [] |
| d. disability or workers compensation payments | Yes [] No [] |
| e. social security or retirement benefits | Yes [] No [] |
| f. family or friends | Yes [] No [] |
| g. gifts or inheritances | Yes [] No [] |
| h. any other sources (specify) <u>hobby sales</u> | Yes [<input checked="" type="checkbox"/>] No [] |

If the answer to any of the above is yes, describe each source of money, state the amount received during the past 12 months, the frequency with which you receive it, and what you expect you will continue to receive:

I make and sell leather craft items. My
family sells my items for me and sends
some of the money back to me. I receive
approx. \$150 per month, and expect this
amount to continue.

7. Do you have any cash, or any checking or savings accounts?
Yes [☒] No []

If yes, state the total value of the cash and/or accounts:

\$110.74

8. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?
Yes [] No [☒]

If yes, describe the property and state its value: _____

9. List the persons who are dependent on you for support and state your relationship to each person. Indicate how much you contribute to their support:

Allie Swenson, my six year old daughter; as much as possible; at least \$50 per month.

DATED this 23rd day of July, 2010.

[Signature]
Signature of Applicant (sign in presence of notary)

SUBSCRIBED and SWORN to before me this 23 day of July,
2010, by GARY SWENSON, JR. (name of Applicant).

[Signature]
Signature notary
Richard Peck
Name – typed, stamped or printed
Notary Public for the State of Montana
Residing at Glenville, MT
My commission expires MAY 5, 2013.

LET THE APPLICANT PROCEED WITHOUT PREPAYMENT OF COSTS.

(District Judge or Supreme Court)

Dawson County Correctional Facility

Resident Activity Statement

Resident Name: SWENSON, GARY

Resident ID: 37391

Housing Location: DCCF,DCCF,None,A,11,2

Date Range:

01/01/2010 Through 07/22/2010

Beginning Account Balances:

Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt		Personal Balance	Non-Per Balance	Debt
Trust	\$48.74	\$0.00	\$0.00	Trust	\$110.74	\$0.00	\$0.00
Begin Totals	\$48.74	\$0.00	\$0.00	End Totals	\$110.74	\$0.00	\$0.00

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
01/07/2010	(\$9.99)	Sale	Debit Sale	(\$9.99)	\$38.75	\$0.00	\$0.00	\$0.00	\$0.00
01/13/2010	\$100.00	Resident Deposit	Molly Swenson	\$100.00	\$138.75	\$0.00	\$0.00	\$0.00	\$0.00
01/14/2010	(\$12.84)	Sale	Debit Sale	(\$12.84)	\$125.91	\$0.00	\$0.00	\$0.00	\$0.00
01/20/2010	(\$4.00)	Transfer Other Funds	DCCF Copy Card	(\$4.00)	\$121.91	\$0.00	\$0.00	\$0.00	\$0.00
01/20/2010	(\$102.00)	Resident Withdrawal	The Leather Factory	(\$102.00)	\$19.91	\$0.00	\$0.00	\$0.00	\$0.00
01/21/2010	\$100.00	Resident Deposit	Molly Swenson	\$100.00	\$119.91	\$0.00	\$0.00	\$0.00	\$0.00
01/21/2010	(\$7.00)	Transfer Other Funds	DCCF sub food sale	(\$7.00)	\$112.91	\$0.00	\$0.00	\$0.00	\$0.00
01/21/2010	(\$9.89)	Sale	Debit Sale	(\$9.89)	\$103.02	\$0.00	\$0.00	\$0.00	\$0.00
01/27/2010	(\$4.00)	Transfer Other Funds	DCCF Popcorn	(\$4.00)	\$99.02	\$0.00	\$0.00	\$0.00	\$0.00
01/27/2010	(\$16.29)	Sale	Debit Sale	(\$16.29)	\$82.73	\$0.00	\$0.00	\$0.00	\$0.00
01/27/2010	(\$58.00)	Resident Withdrawal	The Leather Factory	(\$58.00)	\$24.73	\$0.00	\$0.00	\$0.00	\$0.00
02/03/2010	\$6.00	Resident Deposit	DCCF Reindeer Games	\$6.00	\$30.73	\$0.00	\$0.00	\$0.00	\$0.00
02/03/2010	\$6.00	Direct ROA	DCCF Reindeer Games	\$6.00	\$36.73	\$0.00	\$0.00	\$0.00	\$0.00
02/03/2010	(\$6.00)	Resident Deposit	not direct deposited	(\$6.00)	\$30.73	\$0.00	\$0.00	\$0.00	\$0.00
02/04/2010	(\$7.82)	Sale	Debit Sale	(\$7.82)	\$22.91	\$0.00	\$0.00	\$0.00	\$0.00
02/10/2010	\$150.00	Resident Deposit	Molly Swenson	\$150.00	\$172.91	\$0.00	\$0.00	\$0.00	\$0.00
02/11/2010	(\$10.67)	Sale	Debit Sale	(\$10.67)	\$162.24	\$0.00	\$0.00	\$0.00	\$0.00
02/16/2010	(\$51.15)	Sale	Debit Sale	(\$51.15)	\$111.09	\$0.00	\$0.00	\$0.00	\$0.00
02/16/2010	\$16.50	Resident Deposit	DCCF Inmate Pay	\$16.50	\$127.59	\$0.00	\$0.00	\$0.00	\$0.00

02/18/2010	(\$16.40) Sale	Debit Sale	(\$16.40)	\$111.19	\$0.00	\$0.00	\$0.00	\$0.00
02/18/2010	(\$62.09) Resident Withdrawal	The Leather Factory	(\$62.09)	\$49.10	\$0.00	\$0.00	\$0.00	\$0.00
02/24/2010	(\$13.40) Sale	Debit Sale	(\$13.40)	\$35.70	\$0.00	\$0.00	\$0.00	\$0.00
03/04/2010	(\$10.69) Sale	Debit Sale	(\$10.69)	\$25.01	\$0.00	\$0.00	\$0.00	\$0.00
03/08/2010	\$150.00 Resident Deposit	Molly Swenson	\$150.00	\$175.01	\$0.00	\$0.00	\$0.00	\$0.00
03/10/2010	(\$110.00) Resident Withdrawal	The Leather Factory	(\$110.00)	\$65.01	\$0.00	\$0.00	\$0.00	\$0.00
03/11/2010	(\$18.56) Sale	Debit Sale	(\$18.56)	\$46.45	\$0.00	\$0.00	\$0.00	\$0.00
03/17/2010	\$0.00 Change Housing	Automated Housing Change	\$0.00	\$46.45	\$0.00	\$0.00	\$0.00	\$0.00
03/17/2010	\$27.00 Resident Deposit	DCCF Inmate Pay	\$27.00	\$73.45	\$0.00	\$0.00	\$0.00	\$0.00
03/18/2010	(\$15.97) Sale	Debit Sale	(\$15.97)	\$57.48	\$0.00	\$0.00	\$0.00	\$0.00
03/25/2010	(\$11.25) Sale	Debit Sale	(\$11.25)	\$46.23	\$0.00	\$0.00	\$0.00	\$0.00
04/01/2010	(\$3.00) Transfer Other Funds	DCCF Photos-4	(\$3.00)	\$43.23	\$0.00	\$0.00	\$0.00	\$0.00
04/01/2010	(\$1.30) Transfer Other Funds	DCCF Hobby Supply	(\$1.30)	\$41.93	\$0.00	\$0.00	\$0.00	\$0.00
04/01/2010	(\$12.47) Sale	Debit Sale	(\$12.47)	\$29.46	\$0.00	\$0.00	\$0.00	\$0.00
04/08/2010	(\$9.65) Sale	Debit Sale	(\$9.65)	\$19.81	\$0.00	\$0.00	\$0.00	\$0.00
04/12/2010	\$75.00 Resident Deposit	Molly Swenson	\$75.00	\$94.81	\$0.00	\$0.00	\$0.00	\$0.00
04/14/2010	(\$50.00) Resident Withdrawal	The Leather Factory	(\$50.00)	\$44.81	\$0.00	\$0.00	\$0.00	\$0.00
04/15/2010	(\$8.85) Sale	Debit Sale	(\$8.85)	\$35.96	\$0.00	\$0.00	\$0.00	\$0.00
04/20/2010	\$28.50 Resident Deposit	DCCF Inmate Pay	\$28.50	\$64.46	\$0.00	\$0.00	\$0.00	\$0.00
04/20/2010	(\$10.00) Transfer Other Funds	DCCF Burger Sale	(\$10.00)	\$54.46	\$0.00	\$0.00	\$0.00	\$0.00
04/21/2010	(\$8.86) Sale	Debit Sale	(\$8.86)	\$45.60	\$0.00	\$0.00	\$0.00	\$0.00
04/28/2010	(\$7.74) Sale	Debit Sale	(\$7.74)	\$37.86	\$0.00	\$0.00	\$0.00	\$0.00
05/03/2010	(\$5.00) Transfer Other Funds	DCCF Postage	(\$5.00)	\$32.86	\$0.00	\$0.00	\$0.00	\$0.00
05/04/2010	\$50.00 Resident Deposit	Molly Swenson	\$50.00	\$82.86	\$0.00	\$0.00	\$0.00	\$0.00
05/05/2010	(\$17.85) Resident Withdrawal	Tandy Leather Factory	(\$17.85)	\$65.01	\$0.00	\$0.00	\$0.00	\$0.00
05/05/2010	(\$13.05) Sale	Debit Sale	(\$13.05)	\$51.96	\$0.00	\$0.00	\$0.00	\$0.00
05/11/2010	\$100.00 Resident Deposit	Molly Swenson	\$100.00	\$151.96	\$0.00	\$0.00	\$0.00	\$0.00
05/12/2010	(\$23.48) Sale	Debit Sale	(\$23.48)	\$128.48	\$0.00	\$0.00	\$0.00	\$0.00
05/18/2010	\$30.00 Resident Deposit	DCCF Inmate Pay	\$30.00	\$158.48	\$0.00	\$0.00	\$0.00	\$0.00
05/19/2010	(\$51.67) Resident Withdrawal	The Leather Factory	(\$51.67)	\$106.81	\$0.00	\$0.00	\$0.00	\$0.00
05/19/2010	(\$19.47) Sale	Debit Sale	(\$19.47)	\$87.34	\$0.00	\$0.00	\$0.00	\$0.00

05/25/2010	\$200.00 Resident Deposit	Molly Swenson	\$200.00	\$287.34	\$0.00	\$0.00	\$0.00	\$0.00
05/26/2010	(\$4.00) Transfer Other Funds	DCCF Copy Card	(\$4.00)	\$283.34	\$0.00	\$0.00	\$0.00	\$0.00
05/26/2010	(\$157.86) Resident Withdrawal	The Leather Factory	(\$157.86)	\$125.48	\$0.00	\$0.00	\$0.00	\$0.00
05/26/2010	(\$23.07) Sale	Debit Sale	(\$23.07)	\$102.41	\$0.00	\$0.00	\$0.00	\$0.00
06/02/2010	(\$18.25) Sale	Debit Sale	(\$18.25)	\$84.16	\$0.00	\$0.00	\$0.00	\$0.00
06/09/2010	(\$17.63) Sale	Debit Sale	(\$17.63)	\$66.53	\$0.00	\$0.00	\$0.00	\$0.00
06/16/2010	\$30.00 Resident Deposit	DCCF Inmate Pay	\$30.00	\$96.53	\$0.00	\$0.00	\$0.00	\$0.00
06/16/2010	\$12.00 Resident Deposit	DCCF IWF Inmate Pay	\$12.00	\$108.53	\$0.00	\$0.00	\$0.00	\$0.00
06/17/2010	(\$15.30) Sale	Debit Sale	(\$15.30)	\$93.23	\$0.00	\$0.00	\$0.00	\$0.00
06/23/2010	(\$14.40) Sale	Debit Sale	(\$14.40)	\$78.83	\$0.00	\$0.00	\$0.00	\$0.00
06/29/2010	(\$4.00) Transfer Other Funds	DCCF Copy Card	(\$4.00)	\$74.83	\$0.00	\$0.00	\$0.00	\$0.00
06/29/2010	(\$18.70) Sale	Debit Sale	(\$18.70)	\$56.13	\$0.00	\$0.00	\$0.00	\$0.00
06/30/2010	(\$1.22) Transfer Other Funds	DCCF Postage	(\$1.22)	\$54.91	\$0.00	\$0.00	\$0.00	\$0.00
07/01/2010	\$60.00 Resident Deposit	Molly Swenson	\$60.00	\$114.91	\$0.00	\$0.00	\$0.00	\$0.00
07/01/2010	\$35.00 Resident Deposit	Hobby Sale #8177	\$35.00	\$149.91	\$0.00	\$0.00	\$0.00	\$0.00
07/06/2010	\$20.00 Resident Deposit	Hobby Sale #8178	\$20.00	\$169.91	\$0.00	\$0.00	\$0.00	\$0.00
07/07/2010	(\$38.17) Resident Withdrawal	The Leather Factory	(\$38.17)	\$131.74	\$0.00	\$0.00	\$0.00	\$0.00
07/07/2010	(\$18.19) Sale	Debit Sale	(\$18.19)	\$113.55	\$0.00	\$0.00	\$0.00	\$0.00
07/13/2010	\$100.00 Resident Deposit	Molly Swenson	\$100.00	\$213.55	\$0.00	\$0.00	\$0.00	\$0.00
07/14/2010	(\$4.00) Transfer Other Funds	DCCF Popcorn	(\$4.00)	\$209.55	\$0.00	\$0.00	\$0.00	\$0.00
07/14/2010	(\$14.97) Resident Withdrawal	Sporting News Company	(\$14.97)	\$194.58	\$0.00	\$0.00	\$0.00	\$0.00
07/14/2010	(\$19.26) Sale	Debit Sale	(\$19.26)	\$175.32	\$0.00	\$0.00	\$0.00	\$0.00
07/19/2010	\$30.00 Resident Deposit	DCCF Inmate Pay	\$30.00	\$205.32	\$0.00	\$0.00	\$0.00	\$0.00
07/21/2010	(\$8.80) Transfer Other Funds	DCCF Hobby Supply	(\$8.80)	\$196.52	\$0.00	\$0.00	\$0.00	\$0.00
07/21/2010	\$35.00 Resident Deposit	Hobby Sale #8185	\$35.00	\$231.52	\$0.00	\$0.00	\$0.00	\$0.00
07/21/2010	(\$83.29) Resident Withdrawal	The Leather Factory	(\$83.29)	\$148.23	\$0.00	\$0.00	\$0.00	\$0.00
07/21/2010	(\$37.49) Sale	Debit Sale	(\$37.49)	\$110.74	\$0.00	\$0.00	\$0.00	\$0.00

Dawson County Correction Facility
 Attn: Sally
 440 Colorado Blvd
 Glendive MT 59330

7-21-10
 S. Bennett
 SE